

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 AUG - 4 AM 10:15

UNITED STATES OF AMERICA,

) Magistrate Docket No.

Plaintiff,

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

v.

'08 MJ 2401 XNK
COMPLAINT FOR VIOLATION OF: DEPUTY

Angel IBANEZ-Vargas,

) Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

Defendant

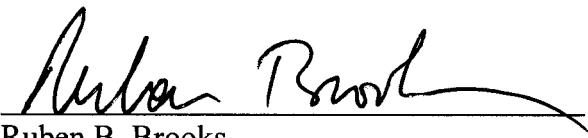
The undersigned complainant, being duly sworn, states:

On or about **August 1, 2008** within the Southern District of California, defendant, **Angel IBANEZ-Vargas**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4th DAY OF AUGUST, 2008


Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

BBP
8/1/08
LW/H

CONTINUATION OF COMPLAINT:
Angel IBANEZ-Vargas

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On August 1, 2008, Border Patrol Agent J. Rhodes was assigned to Border Patrol Operations in the Brown Field Station Area Operations in Dulzura, California. Agent Rhodes responded to a call via Service Radio from Border Patrol Agent, M. Escoto an Infrared Night Scope Operator. Agent Escoto advised agent Rhodes of seven suspected undocumented illegal aliens walking northbound in an area known to agents as Barrett Cafe. This area is located approximately five miles west of the Tecate, California Port of Entry, and approximately two miles north of the International Border Boundary between Mexico and the United States. This area is commonly used by illegal aliens in order to further their illegal entry into the United States. Agent Rhodes walked north on a dirt trail while Border Patrol Agent Escoto guided him to where he had last observed the group. As agent Rhodes approached the area he observed seven individuals attempting to conceal themselves in the thick brush.

Upon approaching the individuals, Agent Rhodes identified himself as a United States Border Patrol Agent both in the Spanish and English Languages. Upon questioning, each of the individuals including one later identified as the defendant, **Angel IBANEZ-Vargas** freely admitted to being citizens and nationals of Mexico and that they did not possess any documents allowing them to enter or to remain in the United States legally. Each of the subjects further stated that they entered the United States illegally. At approximately 6:50 am, Agent Rhodes arrested the seven subjects and arranged their transportation to the Brown Field Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on October 24, 2007 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on August 2, 2008 at 10:00 a.m.

Tomas M. Jimenez
Tomas M. Jimenez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on August 1, 2008, in violation of Title 8, United States Code, Section 1326.

Anthony J. Battaglia
Anthony J. Battaglia
United States Magistrate Judge

8/2/08 11:40 AM
Date/Time